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April 5, 2022

Via ECF

Hon. Loretta A. Preska
U.S. District Court, S.D.N.Y.
500 Pearl Street, Courtroom 12A
New York, NY 10007

Re: *Hesse, et al. v. Godiva Chocolatier, Inc.*, No. 1:19-cv-0972-LAP

Dear Judge Preska:

At the conclusion of the March 28, 2022 final approval hearing, the Court directed Plaintiffs to submit a revised final approval order in redline that reflects the Court's rulings. To assist us in doing so, we respectfully seek clarification on two issues.

First, we seek clarification regarding the attorneys' fees and costs awarded. The Court determined the fee award based on 25% of the actual benefit to the class. However, if the approved costs were included in this calculation, the fee award would be \$2,782,164.56 (\$2,850,000 - \$67,835.44) and approximately 24.45% of the total benefit to the class. Therefore, Plaintiffs respectfully seek clarification whether the \$2,850,000 awarded was all-inclusive, or if the Court awarded \$2,850,000 in attorneys' fees and \$67,835.44 in costs, for a total award of \$2,917,835.44.


Second, we seek clarification regarding the submission of the revised final approval order. The Court instructed us to submit it within two weeks, but we wanted to confirm whether this time period runs from the March 28, 2022 final approval hearing, or from the April 11, 2022 deadline for any class members to submit a response to the parties' proposed cy pres recipients.

Respectfully submitted,


Benjamin Heikali

Counsel for Plaintiffs

SO ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

4/6/22